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Attorneys for Defendant Walmart, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

MEDFORD DIVISION

SHERIL SIDES,

Case No. 1:20-cv-01386-CL

Plaintiff,

v.

**DEFENDANT'S NOTICE OF  
REMOVAL**

WALMART, INC., a foreign corporation,

**JURY TRIAL REQUESTED**

Defendant.

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441, § 1446, and § 1332(a), Defendant Walmart, Inc. ("Defendant") removes this action from the Circuit Court of the State of Oregon for the County of Jackson to the United States District Court for the District of Oregon, Medford Division.

**RELEVANT FACTS**

On July 21, 2020, Plaintiff served Defendant with a Summons and Complaint captioned

*Sherril Sides v. Walmart, Inc.*, Case No. 20CV24268, filed in the Circuit Court for the State of Oregon for the County of Jackson. *See* Declaration of Jeffrey W. Hansen (“Hansen Decl.”), ¶2. Copies of the Summons and Complaint are attached hereto as Exhibits A and B, respectively. *Id.* These documents, taken together, constitute all process, pleadings, and orders served on Defendant in that action up to the present date. *Id.*

### **GROUND FOR REMOVAL**

Pursuant to 28 U.S.C. § 1441(a), a defendant may remove an action filed in the state court to the United States District Court if the district court has diversity jurisdiction over the action. This action is one over which the district court has diversity jurisdiction under 28 U.S.C. § 1332(a)(1). The grounds for removal of this action are:

1. Plaintiff’s principle claims for relief against Defendant exceed \$75,000. Plaintiff seeks damages of \$588,712.19. Complaint ¶7, 8.
2. Plaintiff and Defendant are residents of different states. Defendant is a Delaware corporation and based upon information and belief, Plaintiff resides in California. *See* Complaint ¶1; *see also* Defendant’s Corporate Disclosure Statement (being filed concurrently). Defendant is headquartered with its principal place of business in Arkansas. Hansen Decl., ¶4. Therefore, the United States District Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).
3. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), as less than 30 days have elapsed since copies of the Summons and Complaint were served on Defendant. A copy of the Service of Process Transmittal received from Defendant’s authorized registered agent for service of process is attached hereto as Exhibit C. Hansen Decl., ¶3.
4. No further proceedings have occurred in the Circuit Court of the State of Oregon for the County of Jackson as of the date of this removal other than outlined herein.

5. Counsel for Defendant will file a copy of this Notice of Removal with the Clerk of the Circuit Court of the State of Oregon for the County of Jackson and will give notice of the same to Plaintiff as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Walmart, Inc. prays that this action be removed from the Circuit Court for the State of Oregon for the County of Jackson and placed on the docket of the United States District Court for the District of Oregon in the Medford Division.

Dated this 14th day of August, 2020.

**CHOCK BARHOUM LLP**



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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

MEDFORD DIVISION

SHERRIL SIDES,

Case No. \_\_\_\_\_

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

WALMART, INC., a foreign corporation,

Defendant.

I hereby certify that on the 14th day of August, 2020, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing to all registered individuals. Additionally, I hereby certify that a true copy of the foregoing **DEFENDANT'S NOTICE OF REMOVAL** was served as stated below on:

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Thomas N. Petersen  
Black, Chapman, Petersen, Stevens  
221 Stewart Avenue, Suite 209  
Medford, OR 97501

*Attorneys for Plaintiff*

- ☐ By hand delivery
- ☐ By first-class mail\*
- ☐ By overnight mail
- ☐ By facsimile transmission:  
Fax # | (541) 779-7430
- ☒ By U.S. District Court CM/ECF e-filing  
service to registered parties
- ☒ By e-mail:  
Email | litigation@blackchapman.com

Dated this 14th day of August, 2020.

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